

Article - State Finance and Procurement

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§5-7B-04.

(a) Except as otherwise provided in this subtitle, beginning October 1, 1998, the State may not provide funding for a growth-related project if the project is not located within a priority funding area.

(b) In a priority funding area established under § 5-7B-03(c) or (e) of this subtitle in which water and sewer service is planned, a commitment for funding for a growth-related project shall be contingent upon nonstate funding for planned water and sewer service moving forward in advance of or concurrent with the State funding.

(c) (1) A growth-related project may not be funded by the State in a municipal corporation exercising zoning authority unless the municipal corporation has first adopted residential development standards relating to public school adequacy. These standards shall be substantially similar to:

(i) the State rated capacity standards established by the public school interagency committee on school construction; or

(ii) the school capacity standards established in its county's adequate public facilities ordinance.

(2) The requirement contained in paragraph (1) of this subsection does not apply:

(i) in a municipal corporation exercising zoning authority located in a county in which no adequate school capacity standards have been established by the county governing body; or

(ii) to a residential development project where an impact fee has been paid or other monetary or nonmonetary contributions have been provided that defray the local cost of school construction attributable to the project.

(3) After October 1, 1997, prior to establishing or changing the school capacity standards in a county's adequate public facilities ordinance, the county shall confer with the governing bodies of the municipal corporations that exercise zoning authority located within the county.

(4) For planning purposes, each county board of education shall annually provide to the county and each municipal corporation exercising zoning authority in the county:

(i) a list of projected student enrollments for a 5-year period for each school serving students in or near that municipal corporation; and

(ii) information relating to the student capacity of each school.

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